

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GARETH PITTS,

Plaintiff,

vs.

MICHAEL J. ASTRUE, COMMISSIONER OF
SOCIAL SECURITY ADMINISTRATION,

Defendant.

Case No. 2:12-cv-01109-JCM-PAL

ORDER

This matter is before the court on the court's review of the docket. Plaintiff is proceeding in this action in forma pauperis, and on August 1, 2012, the court entered an Order (Dkt. #2) screening Plaintiff's Complaint pursuant to 28 U.S.C. § 1915 and directing the Clerk of Court to serve the Complaint pursuant to Rule 4(i) of the Federal Rules of Civil Procedure. That Rule provides, in relevant part, that in order to serve the United States and its agencies, a party must deliver or mail by certified mail a copy of the complaint and summons to (a) the United States Attorney for the district where the action is brought; (b) the Attorney General of the United States in Washington, D.C.; and (c) the agency or officer. *See* Fed.R.Civ.P. 4(i)(1)(A), 4(i)(1)(B), and 4(i)(2). Accordingly, the court directed service on the Office of General Counsel for the Social Security Administration ("SSA") in Baltimore, Maryland; the Attorney General in Washington, D.C.; and the United States Attorney for the District of Nevada. *See* Order (Dkt. #6).

On December 9, 2005, the Social Security Administration promulgated a Notice amending its rules for service of process in lawsuits seeking judicial review of SSA final decisions on individual claims for benefits under Titles II, VIII, and/or XVI of the Social Security Act. *See* Notice, 70 Fed. Reg. 73320 (Dec. 9, 2005). The Notice directs that "summons and complaints in these types of cases

1 should be mailed directly to the office in SSA's Office of General Counsel (OGC) that is responsible
2 for the processing and handling of litigation in the particular jurisdiction in which the complaint has
3 been filed." *Id.* The revised procedures are codified at 20 C.F.R. 423.1 and provide that service of
4 process on the SSA or the Commissioner of the SSA should be effected on the SSA's regional Office of
5 General Counsel for the jurisdiction where the complaint was filed. *See* 20 C.F.R. 423.1 (Oct. 11,
6 2012).

7 Accordingly,

8 **IT IS ORDERED** that the Clerk of the Court shall serve the Commissioner of the Social
9 Security Administration by sending a copy of the summons and Complaint by certified mail to:

10 Office of the Regional Chief Counsel, Region IX
11 Social Security Administration
12 160 Spear St., Suite 899
San Francisco, CA 94105-1545

13 Dated this 23rd day of October, 2012.

14
15 
16 PEGGY A. LEE
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28